

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VALERIE MORAN,

Plaintiff,

v.

ADR & ASSOCIATES, et al.,

Defendants.

Case No. 2:17-cv-12061

HONORABLE STEPHEN J. MURPHY, III

ORDER DISMISSING CASE

On June 23, 2017, Plaintiff Valerie Moran filed her complaint alleging that Defendants ADR & Associates, Leslie Burke, and Jonathan Donatello violated the Fair Debt Collection Practices Act and the Telephone Consumer Protection Act. The Defendants apparently provided false names and Moran encountered difficulty identifying the true names of the alleged wrongdoers. The Court granted nearly seven months' worth of time extensions to allow Moran to identify and to serve the Defendants. ECF 7, 11, 13. In its most recent order, the Court stated that it would not "consider Plaintiff's continued failure to identify the defendants to be a sufficient [good cause] showing because the Court has already extended service for several lengthy periods to remedy that problem." ECF 13, PgID 157. Yet, on April 13, 2018, the Plaintiff filed a response to the Court's order to show cause by demonstrating her attempts to identify the Defendants.¹ As the

¹ Although Plaintiff asserts that she has diligently sought the name of the Defendants, the Court is compelled by the facts to find otherwise. In September 2016, Plaintiff identified that Defendants' phone number was provided by Twilio. ECF 6-5, PgID 32. Yet, Plaintiff did not issue a subpoena to Twilio until April 12, 2018. ECF 14, PgID 162. Plaintiff knew of the phone provider before filing her present lawsuit, but failed to subpoena the phone provider until nineteen months later. That belies Plaintiff's assertion that she "has diligently attempted to complete service[.]" ECF 14, PgID 158.

Court previously stated, a seven-month extension to serve more than satisfies the requirement that the Court "extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

WHEREFORE, it is hereby **ORDERED** that the case is **DISMISSED WITHOUT PREJUDICE** for failure to serve.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: April 16, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 16, 2018, by electronic and/or ordinary mail.

s/ David Parker
Case Manager